



## COUNTY OF NEVADA COMMUNITY DEVELOPMENT AGENCY

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Planning Department  
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Environmental Health  
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Building Department  
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Code Compliance  
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Housing Division  
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Agricultural Commissioner  
255 S. Auburn Street  
Grass Valley, CA  
Phone (530) 273-2648  
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July 10, 2007

JoAnne Jaschke, Environmental Scientist  
California Environmental Protection Agency  
Unified Program Section  
1001 I Street  
Sacramento, CA 95814

Dear Ms. Jaschke:

Thank you for working with this Department concerning deficiencies noted during prior CUPA audits. Tracy Gidel, the former Program Manager of the Hazardous Materials Division retired on June 16, 2007 and is no longer the point of contact regarding CUPA related issues. Please send all future correspondence to myself (530) 265-1464 or Dave Huff (530) 265-1767.

After reviewing the most recent information I have prepared the following report to update you on the status of the remaining deficiencies.

The Department's inspection information is managed using software which is currently being developed by the Decade Corporation. The delivery of the software product is over a year behind schedule and at this time it is only possible to provide estimates of the requested information. Every effort was made to provide timely accurate information in this response, even though the use of the current Decade reports are not designed for complying with the CUPA program until completion of the CUPA module.

The information provided in this correspondence covers the period of August, 2006 to the date of this letter. This Department will provide all completed reports in the annual update.

**Deficiency 1:**

From August 1, 2006 until today, the department as made a total of 208 complete inspections within the CUPA programs. The inspections have been in the following program areas as follows:

- 103 hazardous materials – Business Plans
- 42 UST facilities
- 58 Hazardous Waste Generators
- 2 Complete CalARP Inspections
- 16 CalARP Audits
  - 1 Hazardous Waste Recycling Facility
  - 1 Onsite Hazardous Waste treatment (CA, CE)
  - 1 PBR

At the current frequency, all CUPA facilities will be inspected within the required minimum timelines.

**Deficiency 5:**

The Decade software system is still not fully functional. At the time of the April report the CUPA module section of the program was expected to be completed in July 2007. Decade has stated that the module will not be delivered this July and has not committed to a date the module will be completed. Since August 2006 the information reported to DTSC reports are provided by parallel traditional programs such as Microsoft Excel and Access. Staff time is inefficiently used by entering data multiple times but it has allowed Nevada County to report CUPA activities more accurately.

**Deficiency 8:**

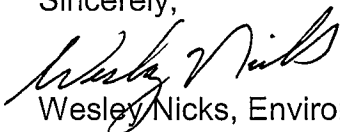
The CUPA implemented "tele-works" software to advise all CUPA regulated facilities of the requirement to submit an updated business plan. The message was transmitted via fax, telephone, and email, requiring all facilities that were out of compliance with the March 2007 deadline to submit updates within 30 days. This Department received approximately 182 updated business plans to date as a result of that action and has developed a list of the remaining facilities to conduct inspections and pursue enforcement actions. I have attached a copy of the communication that was sent using this software for your review.

**Deficiency 9:**

This Department has begun working closely with the Ag Commissioner to achieve compliance with any regulated farm facility or apply an exemption after appropriate review. I have attached a copy of the Commissioner's Report that instructs farm facilities to comply and provides a link to the County's public "DocuShare" collection to obtain the necessary forms.

If you have any questions regarding this report, please feel free to contact me at (530) 265-1464. Thank you for your attention to this matter.

Sincerely,



Wesley Nicks, Environmental Health Director

Report 3

ANNUAL INSPECTION SUMMARY REPORT

27 CCR § 15290

Completed By: dhuff

Date Submitted:

Fiscal Year: 06/07

CUPA:

07/02/07  
Nevada Co. E.H.

INSPECTION SUMMARY

PROGRAM ELEMENTS	<sup>1</sup> No. of Regulated Businesses *	<sup>2</sup> No. of Regulated Businesses Inspected	<sup>3</sup> No. of Routine Inspections	<sup>4</sup> No. of Routine Inspections That Returned to Compliance within Established Standard	<sup>5</sup> No. of Other Inspections
A. Hazardous Materials Release Response Plans (HMRRP)	356	103	103	103	1
B. California Accidental Release Prevention (CalARP)	16	2	2	2	0
C. Underground Storage Tank (UST) Facilities	43	42	42	42	0
D. Aboveground Petroleum Storage Tank (AST) Facilities		0			
E. Hazardous Waste Generators (All)	190	58	57	57	1
F. RCRA Large Quantity Generators (LQG) (a subset of E)	0	0	0	0	0
G. Recyclers	1	1	1	1	0
H. Onsite Hazardous Waste Treatment (PBR, CA, CE)	1	1	1	1	0
I. Permit by Rule (PBR)--Household HW (HHW)	1	1	1	0	1

INDICATORS OF INSPECTION CONSOLIDATION BY INSPECTION CATEGORY:	<sup>6</sup> No. of Inspections	OTHER INFORMATION	<sup>7</sup> No. of Audits
K. Combined Routine Inspections	45	N. CalARP Program--Risk Management Plan Audits	16
L. Joint Inspections	1		
M. Integrated or Multi-Media Inspections	2		

\* The Report 3 counts of regulated businesses should be consistent with the counts shown on Report 2.

Report 4

## ANNUAL ENFORCEMENT SUMMARY REPORT

27 CCR § 15290

Completed By: dhuffDate Submitted: 07/02/07Fiscal Year: 06/07CUPA: Nevada Co.E.H.

PROGRAM ELEMENTS	VIOLATIONS INFORMATION				ENFORCEMENT ACTIONS TAKEN						
	No. of Facilities with Violation Type				5	6	7	8	9	10	11
	1	2	3	4	No. of Informal Enforcement Actions	Total No. of Formal Enforcement Actions Initiated within 135 Days of Inspection or Determining Violation (Class I or Class II only, excluding minor)	No. of Administrative Enforcement Actions	No. of Civil Enforcement Actions and Referrals	No. of Criminal Enforcement Actions and Referrals	Total Fines/ Penalties Assessed	Total Fines/ Penalties Collected
	Class I	Class II (excluding minor)	Minor	Other							
A. Hazardous Materials Release Response Plans (HMRRP)				29	17	3	2	1	1	\$31,750	\$1,250
B. California Accidental Release Prevention (CalARP)				1	0	0	0	0	0	0	0
C. Underground Storage Tank (UST) Facilities				28	12	1	0	1	0	\$65,000	\$65,000
D. Aboveground Petroleum Storage Tank (AST) Facilities				0	0	0	0	0	0	0	0
E. Hazardous Waste Generators (All)	1	2	20	0	7	0	1	1	1	\$5,000	0
F. RCRA Large Quantity Generators (LQG) (a subset of E)	0	0	0	0	0	0	0	0	0	0	0
G. Recyclers	0	1	0	0	0	1	1	0	0	0	0
H. Onsite Hazardous Waste Treatment (PBR, CA, CE)	0	0	0	0	0	0	0	0	0	0	0
I. Permit by Rule (PBR) --Household HW (HHW)	1	0	0	1	0	0	1	0	0	\$25,500	0

Report 5

**BIENNIAL TIERED PERMITTING RELEASE REPORT**

27 CCR § 15290 and HSC 25171.5(a)(2)

Completed By: dhuff

07/02/07

Date Submitted:

Fiscal Year: 06/07

CUPA:

Nevada Co. E.H.

<sup>1</sup> EPA ID#	<sup>2</sup> Facility Name Facility Address	<sup>3</sup> Highest Tier/ Type of Facility (PBR, CA, CE)	<sup>4</sup> Date of Release	<sup>5</sup> Description of Release	<sup>6</sup> Corrective Action Completed? (y/n)
0	0	0	0	0	0

(add additional rows as needed)

Report 6

# **QUARTERLY UNDERGROUND STORAGE TANK PROGRAM REPORT** 27 CCR §15290 and 23 CCR § 2713

Quarter: Apr 07 to Jul 07

CUPA: Nevada Co. E.H.

STATUS OR ACTIVITY	A. Information as of _____ (Provided quarterly by SWRCB)	B. Changes This Quarter
I. Regulated Facilities With UST Systems	45	0
II. Petroleum UST Systems		
2A. Active	129	-8
2B. Permanently Closed	382	0
III. Hazardous Substance UST Systems		
3A. Active	8	0
3B. Permanently Closed	70	0
IV. Active UST Systems With Approved Leak Detection Systems	120	0
4a. Percent of active UST systems with approved leak detection systems	100	
V. Active UST Systems Meeting 1998 Upgrade/Replacement Requirements	119	0
5a. Percent of active UST systems meeting 1998 requirements	99.9	
VI. Completed UST Facility Inspections	45	45

Information provided by: dhuff

Phone: (530)265-1767

Date: 07/02/07

Comments:

# Nevada County Department of Agriculture

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Jeffrey Pylman, Agricultural Commissioner  
255 South Auburn Street, Grass Valley, CA 95945 530-273-2648 Fax: 530-273-1713

## COMMISSIONER'S REPORT APRIL 2007

TO: Agricultural Advisory Commission      Agency Director—Steve DeCamp  
Farm Bureau—Darlene Moberg      Local Food Coalition—Rita de Quercus

FROM: Agricultural Commissioner—Jeffrey Pylman

The month of April 2007 proved to be filled with activity for the Nevada County Department of Agriculture. The following items are outstanding among all the other Ag-related events this month.

### I. Farm Stand Ordinance

On April 10, the Board of Supervisors passed the Ag Marketing Ordinance with two (2) parts: (The Board of Supervisors wanted to pass both prior to harvest season this year so that growers will be able to better sell all their products locally in the County.)

- A. It will open up the zoning requirements for certified farmers markets. It adds conditions regarding parking and public access, and other mitigating requirements.
- B. The second part entails ability to allow growers to transport their products to produce stands other than their own with the following conditions:
  - 1. Must be grown in the County
  - 2. Must apply for and receive an Administrative Permit from the Planning Department

There will be three (3) types of agricultural product stands:

- A. Farm Stand—the growers will sell their own produce on the land where it is grown.
- B. Produce Stands—the growers take in unprocessed agricultural products from other County growers.
- C. Farm Stores—like Produce Stands where growers to sell at other grower stands processed products such as jams and olive oil. In addition to the Administrative Developers Permit from the Planning Department, the operator will need to get a “Certificate of Operation” from the Environmental Health Department. Also, the providers of the processed products must use a “certified” kitchen.

The Ordinance is now in place. The Board of Supervisors will hear back from Planning and other interested parties in December 2007 after the first harvest season.

## II. Directional Sign Ordinance

On April 12, the Planning Commission approved the Wine Association's application to have directional signs placed in the County. The Board of Supervisors will consider the application during its meeting on May 8. The Wine Association will pay the cost of placement of the signs that will point the way to tasting rooms in rural areas as well as Nevada City and Grass Valley.

Along County-maintained roads the County Department of Transportation will do the sign placement. Each sign post will have a sign header and smaller, rectangular signs will have arrows with the name of the business, the type of commodity, and the distance from the sign to that business.

The Winery Association will take applications from growers of other commodities, such as farm stores and produce stands, to have directional signs (arrows) placed on their behalf on the sign posts. Right now, the Winery Association is working with members of the Ag community to have an image representational of agriculture on the directional signs. The Ag image will go on the prototype sign in time to go to the Board of Supervisors. Other Ag associations are allowed to apply for sign placements in addition to the sign locations planned by the Winery Association. It is currently possible for fruit and vegetable growers to create an association and apply to the county in the same manner as the Winery Association.

## III. CUPA-EH HazMat System

Environmental Health is the lead agency in the County to get information of hazardous materials that are in storage at certain sites. Reason: Emergency responders need to know if hazardous materials are being stored at business locations. The Farm Business Plan requirement applies when certain quantities of hazardous materials are exceeded in storage areas.

The following link <https://docs.co.nevada.ca.us/dsweb/View/Collection-31328> contains an easy-to-read description of the Farm Business Plan Exemption and the following three (3) documents:

- A. Hazardous Materials Farm business Exemption fact Sheet
- B. Farm business Exemption—Annual submittal Form
- C. Farm Business – Emergency Response/Contingency Plan



IV. New AAC Member Appointed

The Board of Supervisors appointed Sue Hoek to the Agricultural Advisory Commission as a new member representing general agricultural interests. She is a rancher from the Penn Valley area and her appointment was sponsored by Supervisor Hank Weston. Sue will attend her first AAC meeting May 16. Recently resigning member Bob Walker is thanked very much for his part during his term with the AAC.

V. Drought Loss

This department is going to report the draught loss to the State Office of Emergency Services (OES). A recent survey of ranchers revealed a loss of 25% to 60% forage. This will include Nevada County with the long list of counties reporting pasture grass loss.

VI. CA Range Land Resolution

On March 27, the Board of Supervisors approved the California Range Land Resolution. The Farm Bureau received the Board of Supervisors' support of the Resolution offered for consideration by Supervisor Hank Weston with Lesa Osterholm providing the primary presentation to the Board. The Resolution is a document supported by both ranchers and environmentalists with the concept that ranchers are good stewards of the environment and that grazing provides environmental benefits.

VII. Agricultural Display at the Fairgrounds

The County Fair will provide in the main building a 25' X 80' section along the back wall with an Ag-theme display. The idea is mainly to provide a continuing theme throughout rather than individual booths. A planning committee is meeting regularly. One option for the display will have a transitional flow from one side to the other representing land and natural resources progressing to production, processing, marketing, and ultimately to a working kitchen. Along with the kitchen may be other interactive displays such as a produce stand and wine tasting area.

**Business Plan Notification of Delinquent Submittal &  
Emergency Notification System Test**

This message is from the Nevada County Department of Environmental Health to notify you that you are delinquent in submitting your Hazardous Materials Business Plan Annual Certification and for the purpose of testing our Emergency Notification System.

If you have submitted your certification in the last 60 days, please disregard this message. If not, please submit it within the next 30 days to avoid further action.

The forms necessary for compliance are available at either of our two offices: In Western Nevada County at 950 Maidu Ave. Nevada City, CA or in Eastern Nevada County at 10075 Levon Ave., Suite 105, Truckee, CA.

If you have questions, please contact the Environmental Health office nearest you. In the Truckee area the phone number is 530-582-7884 and in the Nevada City / Grass Valley area the number is 530-265-1222.

Thank you for your prompt attention to this matter.

## Cal/EPA's Response to Nevada County's Deficiency Progress Report

**CUPA: Nevada County Environmental Health Department**

**Date of Evaluation: May 2005**

**Date the report was submitted: July 10, 2007**

### **Cal/EPA's response to remaining deficiencies**

1. The CUPA has not inspected all businesses subject to the Business Plan, CalARP, and Hazardous Waste programs.

**Cal/EPA Response:** This deficiency is in progress of being corrected. Cal/EPA will continue to monitor the progress the CUPA is making towards correcting this deficiency via the deficiency progress reports until the CUPA is meeting the required inspection frequencies.

5. The CUPA is not adequately tracking information, which is necessary to accurately complete the annual state summary reports.

**Cal/EPA Response:** This deficiency is in progress of being corrected and Cal/EPA will continue to monitor the progress via deficiency progress reports until the new software system is able to accurately track and produce the required information.

8. The CUPA is not ensuring that businesses certify, at least once every three years, that the businesses have reviewed and updated the Business Plans.

**Cal/EPA Response:** Cal/EPA is satisfied with the progress being made to correct this deficiency. Cal/EPA considers this deficiency in progress of being corrected and Cal/EPA will continue to monitor the progress the CUPA is making towards correcting this deficiency.

9. The CUPA is not regulating agricultural handlers under the Business Plan Program.

**Cal/EPA Response:** This deficiency is in progress of being corrected and Cal/EPA will continue to track the progress the CUPA is making towards correcting this deficiency in the deficiency progress reports.

**Over all CUPA Progress:** The CUPA is making good progress towards correcting the remaining four deficiencies. Therefore, Cal/EPA is changing the CUPA's status from unsatisfactory to satisfactory with improvements needed. Nevada County will receive the official notification for this change within four weeks. Cal/EPA will continue to monitor the progress the CUPA is making towards correcting the remaining deficiencies via the deficiency progress reports. The next deficiency progress report is due October 9, 2007.